

of the proceeds between the complainants and defendants, and for general relief.

To this bill the defendants demurred, upon the ground that the complainants have not by their bill made such a case as entitles them in a court of equity to relief against the defendants, or to a sale of the real estates mentioned in the bill. And that under the will of Abraham Slade, by which they claim, they are not entitled to any part of said real estate as devisees or heirs-at-law.

Upon the hearing of this demurrer, the Chancellor delivered the following opinion.]

THE CHANCELLOR :

This case is brought before the Court, and submitted by agreement of parties upon demurrer to the bill.

The bill is filed by John and Elizabeth Ann Roser, his wife, the latter being one of the children and heirs-at-law of John Slade, deceased, one of the brothers of Josias Slade, also deceased, but whether testate or intestate does not appear. It is alleged in the bill, that Abraham Slade, the father of John and Josias Slade, being seized of real estate in Baltimore County, died some time in the year 1847, leaving a will duly executed, containing the following clause :

"I will and devise unto my son, Josias Slade, one lot of land called," &c., "also \$200 in cash, by his paying unto my daughter, Elizabeth Slade, \$100 five years after my decease, the aforesaid land and premises to him the said Josias Slade, his heirs, and assigns for ever, provided, nevertheless, that if the said Josias Slade should die without heirs lawfully begotten, then the aforesaid land and premises to be equally divided between his brothers, their heirs and assigns for ever."

From the frame of the bill, it would appear that the complainants suppose they derive their title to the land in question from Abraham Slade, the testator, as it is alleged that Josias Slade, the devisee, under his will, took no more than a life estate, and that the limitation over to his brothers, upon his dying without issue, is good. This, however, is clearly an